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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,847	04/20/2001	Harvey B. Newman	0007975-0010	2057

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EXAMINER	
STRANGE, AARON N	

ART UNIT	PAPER NUMBER
2153	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/839,847	NEWMAN ET AL.	
	Examiner	Art Unit	
	Aaron Strange	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,14-17,29 and 30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/17/07 have been fully considered but they are not persuasive.

2. With regard to representative claim 1, and Applicant's assertion that "the discussion on page 7 of Galvez is read in conjunction with Figure 3 of Galvez, which shows a reflector based system that does not use a video conference web server" (Page 8 of Remarks), it appears that Applicant may have mistaken the March 1997 Galvez reference for the 1998 Galvez reference used in the rejection.

While both documents were cited in the PTO-892 of 8/25/2004, the heading of the rejection clearly indicated that the reference being cited was the 1998 Galvez reference.

Page 7 of the 1998 Galvez reference clearly discloses a videoconferencing web server allowing any user to access the videoconferencing services form any location. Therefore, Applicant's arguments are not persuasive, and the previous rejection is maintained.

3. In the interest of expedited prosecution, the Examiner would like to note that prosecution of the present application is likely to be expedited via an interview prior to filing a response to this action. If Applicant agrees that an interview would be beneficial, he/she is encouraged to contact the Examiner to schedule one.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-4,6,7,15-19,21,22 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galvez et al. ("Networking, Videoconferencing and Collaborative Environments, 1998) (cited as reference V in the PTO-892 of 8/25/2004) in view of Tucker et al. (US 6,590,604).

6. With regard to claims 1 and 16, Galvez discloses a virtual room videoconferencing system for transporting packets of videoconferencing data (Fig 3), comprising:

a first and second computing device (Fig 3, 1 and 5);

a first reflector (Fig 3,3) connected to said first computing device and a second reflector (Fig 3, "Reflector") coupled to said second computing device;

a video conference web server that is not a reflector coupled to said first and second computing devices and enabling the first and second computing devices to participate in a virtual room video conference (at least Page 7)

a communication path formed between the first and second reflectors for communicating video conference data (Fig 3, "Tunnel").

Galvez fails to specifically disclose that the first and second computing devices use different protocols or a gateway coupled to the server and enabled by the server to contact the first computing device.

Tucker discloses a similar system for videoconferencing (Col 2, Lines 46-54) and teaches the use of a gateway (Fig 7,708) to enable conferencing using a first protocol (H.323) (Col 9, Lines 50-54) and a computing device (H.320 gateway) coupled to multiple clients for enabling conferencing between the clients independent of their differing protocols (Col 9, Lines 55-63). These would have been an advantageous addition to the system disclosed by Galvez since it would have allowed various clients using different protocols to conference with each other without requiring the clients to change any settings or software.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use gateways to enable conferencing using a first protocol, such s as H.320.

7. With regard to claims 2 and 17, Galvez further discloses a packet wherein said packet travels to said first and second computing devices (Packets are sent across the tunnel when participants are in the same virtual room on both sides) (Page 5, Line 1 to Page 6, Line 1).

8. With regard to claims 3 and 18, Galvez further discloses that said packet carries an audio signal (Page 5, Line 3).

9. With regard to claims 4 and 19, Galvez further discloses that said packet carries a video signal (Page 5, Line 3).

10. With regard to claims 6 and 21, Galvez further discloses a user interface (Page 4, Lines 27-28).

11. With regard to claims 7 and 22, Galvez further discloses that said user interface is in a web browser (Web interface) (Page 4, Lines 27-28).

12. With regard to claims 15 and 30, Tucker further discloses that said computing devices are Mbone clients or H.323 clients (Col 2, Lines 46-54).

13. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galvez et al. in view Tucker et al. (US 6,590,604) in further view of Ruiu ("An Overview of MPEG-2").

14. With regard to claims 5 and 20, while the system disclosed by Galvez and Tucker shows substantial features of the claimed invention (discussed above), it fails to disclose that said video signal is compressed in an MPEG 2 format.

Ruiu teaches that the MPEG 2 format is a very efficient and well known video compression method, which converts analog or digital video signals into efficiently transported digital packets. Using MPEG 2 compressions allows video signals to be transmitted using as little as 1/30 of the required bandwidth of the uncompressed signal (Page 2, Lines 1-20). Use of MPEG 2 to compress the video signal would have been advantageous since it would have significantly reduced the bandwidth required to transmit the signal over the network, increasing the overall quality of the transmission.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use MPEG 2 to compress the video signal since it can significantly reduce the bandwidth required to transmit the video signal across the network.

15. Claims 8 and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Galvez et al. in view of Tucker et al. (US 6,590,604) in further view of McCormack et al. (US 6,212,195).

16. With regard to claims 8 and 23, while the system disclosed by Galvez and Tucker shows substantial features of the claimed invention (discussed above), including one or more packets carrying audio signals to said first and second computing devices (Page 5, Line 3), it fails to disclose an algorithm configured to determine a single packet from said packet and said one or more additional packets wherein said single packet has a largest audio magnitude.

McCormack teaches a method of choosing between a plurality of incoming audio streams to a conference comprising analyzing the packets to determine which packet has the largest magnitude, and choosing to use that packet as the audio source and discarding the other packets (Col 7, Lines 10-13). This gives priority to the loudest speaker and prevents a combination of audio signals from being played simultaneously, which would make it difficult to understand the speakers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to analyze incoming audio packets when a plurality of audio packets are received simultaneously to determine which packet has the largest audio magnitude. This allows a single audio stream to be chosen and played to the conference, eliminating the sound of multiple speaking simultaneously. This makes it easier to understand the speakers by limiting the system to one speaker at a time.

17. Claims 9-12 and 24-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galvez et al. in view of Tucker et al. (US 6,590,604) in further view of DeGollado et al. (US 6,411,623).

18. With regard to claims 9 and 24, Galvez discloses a virtual room videoconferencing system (Fig 3) comprising:

a first and second computing device (Fig 3, 1 and 2);

a first reflector connected to said first and second computing devices (Fig 3, 3);

a video conference web server that is not a reflector coupled to said first and second computing devices and enabling the first and second computing devices to participate in a virtual room vide conference (at least page 7).

However, Galvez fails to specifically disclose a first encoder/decoder box connected to the first computing device for encoding/decoding video conference data for the first computing device using said first protocol or a third computing device connected to said first and second computing devices for enabling conferencing independent of the first and second protocols.

Tucker discloses a similar system for videoconferencing (Col 2, Lines 46-54) and teaches the use of a computing device (H.320 gateway) coupled to multiple clients for enabling conferencing between the clients independent of their differing protocols (Col 9, Lines 55-63). These would have been an advantageous addition to the system disclosed by Galvez since it would have allowed various clients using different protocols to conference with each other without requiring the clients to change any settings or software.

DeGollado also discloses a similar system for distribution of audio/video data (Col 5, Lines 44-46). DeGollado teaches using a first encoder/decoder box connected to a first and second computing device and a second encoder/decoder box connected to a third computing device (Col 6, Lines 14-36 and Fig 2). This allows the video signals from each device to be encoded for transfer over the network and decoded by the receiving devices.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use gateways to enable conferencing using a first protocol, such as H.320, and a third computing device for enabling conferencing between clients independent of their differing protocols.

19. With regard to claims 10 and 25, Galvez further discloses a packet wherein the packet travels to said first and second computing devices (Packets are sent across the tunnel when participants are in the same virtual room on both sides)(Page 5, Line 1 to Page 6, Line 1).

20. With regard to claims 11 and 26, Galvez further discloses that said packet carries streaming video (Page 5, Line 3).

21. With regard to claims 12 and 27, Galvez further discloses that said streaming video is used with a video player (Page 5, Fig 1 and 2).

22. Claims 14 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galvez et al. in view of Tucker et al. (US 6,590,604) in further view of Zhu et al. (US 6,691,154).

23. With regard to claims 14 and 29, while the system disclosed by Galvez and Tucker shows substantial features of the claimed invention (discussed above), it fails to

disclose a shared desktop configured to be accessed by at least said first and second computing devices.

Zhu et al. (Zhu, hereafter) teaches the use of a shared desktop as a means for one or more users of a conferencing system to share control of a desktop, allowing changes made by any user to be reflected in the desktop displayed to the other users (Co1 5, Line 42 to Col 6, Line 4). This would provide several advantages by allowing conference participants to exchange information via the shared desktop such as demonstrating how to operate a software program.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a shared desktop to the system disclosed by Galvez. The addition of a shared desktop would allow conference participants to exchange additional information through such operations as demonstrating the operation of a software program.

Conclusion

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AS
5/30/2007

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